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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,861	01/20/2004	Emyr Jadydy	ROK102	1501
34356	7590	03/20/2006	EXAMINER	
ASHKAN NAJAFI, P.A. 6817 SOUTHPOINT PARKWAY SUITE 2301 JACKSONVILLE, FL 32216			BUI, LUAN KIM	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/759,861

Applicant(s)

JADYDY, EMYR

Examiner

Luan K. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/20/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites a cleaning kit is indefinite because the kit always comprises a container/case for holding the items together. Since claim 1 does not include a container/case, therefore, it is not a kit.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (6,769,151) in view of Criswell et al. (4,862,549; hereinafter Criswell'549). Lin discloses a set of cleaning

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items/cleaning kit operable by a tool comprising a socket (1, 5, 6) including substantially cylindrical body and having a centrally disposed longitudinal axis passing therethrough. The socket further including opposed end portions integral with the body, centrally disposed openings (11, 61) in the end portions, a plurality of wire bristles (52) attached to one of the opposed openings and extending radially inwardly therefrom and towards the axis for receiving an outer surface of a pipe therealong. The set further including a first shank (4) having a threaded end portion (42) for receiving the socket and an oppositely spaced hexagonal end portion (41) for removably connecting to a tool (T) and a wire brush (3) having a lower end portion and a second shank (31) with a hexagonal shape. Lin also discloses the other limitations of the claim except for the first shank comprises a square end portion in lieu of the threaded end portion and the kit comprises a plurality of sockets (two sockets) in lieu of the socket.

Criswell'549 shows a set of cleaning items/cleaning kit operable by a tool comprising a socket (1) including substantially cylindrical body with a square end portion (6) and a first shank (8) having a square end portion (9) for receiving the square end portion of the socket. Criswell'549 further shows the advantage of providing the square end portion so the socket can be quickly interchanged to clean tubes and fittings of different sizes (column 3, lines 54-62).

It would have been obvious to one having ordinary skill in the art in view of Criswell'549 to modify the socket of Lin so the socket comprises a square end portion to facilitate interchanging the socket and the socket comprises a plurality of sockets to facilitate cleaning tubes and fittings of different sizes.

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6. Claims 2-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Larsen (6,708,363) and Vasudeva (5,803,254). Lin further fails to show a carrying case having lower and upper sections pivotally engageable with each other and for defining a cavity for storing the plurality of sockets and the shank and the wire brush therein.

Larsen teaches a cleaning container (10) comprising a lower and upper sections for holding a cleaning tool (50, Figure 1). Vasudeva shows a container comprising a lower and upper sections (1, 3) pivotally engageable with each other and for defining a cavity for storing the plurality of tool and a handle connected to the container (Figures 9-10).

It would have been obvious to one having ordinary skill in the art in view of Larsen and Vasudeva to modify the set of cleaning items/cleaning kit of Lin as modified so it includes a container comprises lower and upper sections pivotally engageable with each other and for defining a cavity for storing the plurality of sockets and the first shank and the wire brush therein to facilitate carrying the cleaning set.

As to claim 3, Vasudeva shows the handle (2) attached to the lower section instead of the upper section as claimed. It would have been obvious to one having ordinary skill in the art in view of Vasudeva to modify the container of Lin as modified so the handle attached to the upper section instead of the lower section because the selection of the specific location for the handle would have been an obvious matter of design choice inasmuch as the resultant structures will work equally well.

As to claim 4, Criswell'549 shows the wire bristles formed from stainless steel (see claim 2).

As to claim 5, see column 1, lines 34-35 of Lin.

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As to claim 6, Lin discloses the wire brush has a substantially conical shape with an apex.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. **The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Formal papers and After Final communications.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lkb
March 16, 2006



Luan K. Bui
Primary Examiner
Art Unit 3728